

MINUTES OF REGULAR MEETING HELD NOVEMBER 22, 2005

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Oakley, Glaser, Turner, Van Deursen, Buoye, Housel and Woykowski – 7 Present.

Absent: None

Also Present: Richard J. Sheola, Borough Manager
Steven D. Farsiou, Esq., filling in for R. Cushing, Esq.,
Municipal Attorney
Linda L. Hendershot, RMC/CMC, Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

MINUTES:

Regular Meeting – November 1, 2005

Several minor corrections were noted by Councilman Buoye in a e-mail message to the Clerk. These corrections will be made prior to transmitting them to the Borough’s web-site.

It was therefore moved by Glaser, seconded by Turner that the minutes of the regular meeting held November 1, 2005 be approved as corrected.

Roll Call: Housel, Woykowski, Buoye, Van Deursen, Turner, Glaser and Oakley.

Ayes: 7, Nays: 0.

Motion carried.

COMMUNICATIONS:

One additional communications was distributed this evening for the Council from the NJLM RE: A-4073 – Qualified Purchasing Agent.

The following communications were entered into the record:

- 1) NJLM – Gift to Public Officials;
- 2) NLM – S-636 on SPCA;
- 3) NJLM – Your Community’s environment;
- 4) NJLM – Avian Flu Pandemic Threat;
- 5) NJLM – Municipal Holiday Displays;
- 6) NJLM – Support for Municipal Employees who serve in the National Guard and Reserve;
- 7) NJLM – First Epicenter Conference;
- 8) NJ S.P.C.A., Inc. Re: Legislation governing NJSPCA;
- 9) Conference – The Politics & Economics of State Open Space Programs;
- 10) Township of E. Brunswick Re: Support of Senate Bill #1987 Authorizing Local Units to Limit Contract Awards to Business Entities that make Political contributions;
- 11) Township of Pequannock Re: Federal Hourly Minimum Wage Study;
- 12) Heritage Conservancy Re: Meeting - Route 57 Scenic Byway Study;
- 13) Skylands Small Business Development Center Reception;
- 14) Elizabethtown Gas Company – Notice of Rate Increase;
- 15) Warren County League of Municipalities Meeting;
- 16) Township of Pohatcong Re: State Mandated Use of ALCOTEST 7110 MK 111-C;
- 17) Letter of Resignation – Ronald Schlader – Planning Board & Board of Adjustment;
- 18) Letter of Resignation – Peter Glaser – Shade Tree Commission;
- 19) Letter of Retirement – Linda L. Hendershot;
- 20) Tree Lighting Ceremony – Sponsored by the Recreation Commission – December 3rd; and
- 21) NJLM Re: Legislation – Qualified Purchasing Agent

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications.

It was moved by Glaser, seconded by Housel that the communications numbered #1 thru #21 be acknowledged, received and filed.

Discussion: Councilman Turner noted that he would like to attend the meeting on the Heritage Conservancy Meeting on the Route 57 Scenic Byway Study.

Ayes: 7, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks, petitions, statements and testimony from guests on items that were not on the agenda.

Dave Higgins, 113 Harding Drive asked how much of a rate increase the Gas Company was seeking. The increase was for an additional 81 cents bringing the cost per therm up to \$ 1.16 cents.

Hearing no further remarks from the audience, it was moved by Glaser, seconded by Buoye that the audience portion of the meeting be closed.

Ayes: 7, Nays: 0.
Motion carried.

Executive Session – Personnel

A motion was made by Glaser, seconded by Turner to go into Executive Session to discuss matters of personnel.

Ayes: 7, Nays: 0.
Motion carried.

A motion was made by Housel, seconded by Glaser to go out of Executive Session and back into open session at 8:35 PM.

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #18-2005 – Amending Chapter 85 – Vehicles and Traffic – Parking on Boulevard (Final Passage)

An ordinance amending Chapter 85 dealing with parking on the Boulevard was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by Housel that the Clerk read Ordinance #18-2005 by title only.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Oakley, Turner and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #18-2005 by title only and stated that this ordinance was published in the Star Gazette, a copy was posted on the bulletin board and copies were available upon request from the Clerk's office.

Mayor Van Deursen opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Hearing none, it was moved by Housel, seconded by Glaser that the public hearing be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Housel, seconded by Glaser that Ordinance #18-2005 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Oakley, Glaser and Turner.

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCE #18-2005

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE
OF THE BOROUGH OF WASHINGTON, CHAPTER 85
“VEHICLES AND TRAFFIC”**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 85-23 of the Code of the Borough of Washington, Warren County, are hereby created to read as follows:

Name of Street	Side	Hours	Days	Location
Boulevard	South	All	Mon. thru Sunday	Easterly curb of Rt. 31 extending 100' east
Boulevard	South	All	Monday Thru	376' east of the easterly curbline of Rt. 31 and extending to northerly curbline of Rt. 57

And also Chapter 85-24 of the Code of the Borough of Washington, Warren County are hereby crated to read as follows:

Name of Street	Side	Hours	Days	Location
Boulevard	South	10:00 PM To 8:00 A.M.	Sunday thru Saturday	100' east of the easterly curbline of Rt. 31 and extending 376' east

This Ordinance shall take effect upon its adoption and final publication in accordance with law.

Ordinance #19-2005 – Amending Chapter 85, Article IX Re: Snow Removal Policy (Final Passage)

An ordinance amending the Snow Removal Policy was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by Housel that the Clerk read Ordinance #19-2005 by title only.

Roll Call: Turner, Glaser, Oakley, Van Deursen, Woykowsi, Housel and Buoye.

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #19-2005 by title only and stated that this ordinance was published in the Star Gazette, a copy was posted on the bulletin board and copies were available upon request form the Clerk's office.

Mayor Van Deursen opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Hearing none, it was moved by Housel, seconded by Glaser that the public hearing be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Glaser, seconded by Oakley that Ordinance #19-2005 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner, Glaser and Oakley.

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCE #19-2005

AN ORDINANCE MODIFYING CHAPTER 85 ARTICLE IX, SNOW EMERGENCIES, OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, accumulations of snow and ice on the streets of the Borough of Washington represent a potential threat to the health, safety and general welfare of the citizens of the Borough of Washington; and

WHEREAS, the Mayor and Council of the Borough of Washington deem it appropriate to establish snow removal regulations within the Borough of Washington; and

WHEREAS, inoperable, abandoned or parked vehicles located on public streets and roads in the Borough of Washington hinder the timely and efficient removal of ice and snow by the Borough of Washington Road Department:

A. SNOW REMOVAL CONDITIONS

- (1) When, in the opinion of the Borough of Washington Road Department Superintendent, the Borough Manager and/or the Office of Emergency Management, the actual or expected precipitation of snow will create hazardous or dangerous roadway conditions for vehicular or pedestrian traffic, Office of Emergency Management shall have the authority to declare a snow emergency.
- (2) A snow emergency shall be declared by the Office of Emergency Management by issuing a notification to the local radio station and news media and to the borough website.
- (3) The snow emergency shall continue in full force and effect until the Office of Emergency Management declares it to be over by issuing a notification to the local radio station and news media and to the borough website.

B. PARKING RESTRICTIONS DURING SNOW REMOVAL PERIODS.

When a snow emergency has been declared, the following traffic regulations will be in the effect for all city streets:

- (1) No parking will be allowed on any street, road, alley or thoroughfare within the Borough of Washington.

C. REMOVAL AND IMPOUNDMENT OF VEHICLES

The Borough of Washington Police Department is authorized to remove or have removed all vehicles from a Borough street, road, alley or thoroughfare to the nearest garage or place of safety under the following circumstances or conditions:

- (1) If the operator of a motor vehicle does congest, obstruct or unduly restrict a free, clear and unimpeded movement of traffic by parking, stopping, standing or driving his registered vehicle.
- (2) If the operator of a motor vehicle should fail to remove his registered vehicles from any street or alley within the Borough after a 2 hour period after the declaration of a snow emergency.

Ordinance #20-2005 – Modifying Chapter 85, Article IX RE: Snow Emergencies (First Reading)

An ordinance amending the Snow Removal Policy was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Housel that the Clerk read Ordinance #20-2005 by title only.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner, Glaser and Oakley.

Ayes: 7, Nays: 0.

Motion carried.

The Clerk read Ordinance #20-2005 entitled, “AN ORDINANCE MODIFYING CHAPTER 85, ARTICLE IX, SNOW EMERGENCIES, OF THE CODE OF THE BOROUGH OF WASHINGTON.”

Council Discussion:

Councilman Housel questioned whether this ordinance was being practical?

Councilwoman Woykowski asked whether the cars would be allowed to park in the lots until the snow emergency is cancelled? The ordinance allows all cars to be parked in the municipal lots during a snow emergency.

Councilwoman Oakley would like to assess this ordinance in the spring.

Hearing no further discussion, it was moved by Glaser, seconded by Oakley that Ordinance #20-2005 be approved on first reading.

It was further moved by Housel, seconded by Glaser that Ordinance #20-2005 be published in the Star Gazette on December 1st and that the public hearing be scheduled for December 13, 2005.

Roll Call: Turner, Glaser, Oakley, Woykowski, Housel, Buoye and Van Deursen.

Ayes: 7, Nays: 0.

Motion carried.

Ordinance #21-2005 – Amending Chapter 94 – Land Use Ordinance to Facilitate Third Round Affordable Housing (First Reading)

An ordinance amending Chapter 94 to facilitate the Third Round Affordable Housing for the Borough was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by Housel that the Clerk read Ordinance #21-2005 by title only.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Oakley, Glaser and Turner.

Ayes: 7, Nays: 0.

Motion carried.

The Clerk read Ordinance #21-2005 entitled, “AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF WASHINGTON TO FACILITATE THE PROVISION OF THIRD ROUND AFFORDABLE HOUSING IN CONNECTION WITH RESIDENTIAL AND NONRESIDENTIAL GROWTH AND DEVELOPMENT.”

Council Discussion: None.

It was therefore moved by Glaser, seconded by Oakley that Ordinance #21-2005 be approved on first reading.

Roll Call: Oakley, Glaser, Turner, Van Deursen, Buoye, Housel and
Woykowski Ayes: 7, Nays:
0.

Motion carried.

It was further moved by Turner, seconded by Glaser that Ordinance #21-2005 be published in the Star Gazette on December 1st and that the public hearing be scheduled for December 13, 2005.

Roll Call: Van Deursen, Turner, Glaser, Oakley, Woykowski, Housel and
Buoye.

Ayes: 7, Nays: 0.
Motion carried.

Ordinance #22-2005 – Creating the Position of Housing Officer pursuant to the Fair Housing Act (First Reading)

An ordinance creating the position of a Housing Officer to implement the Fair Housing Act was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by Oakley that the Clerk read Ordinance #22-2005 by title only.

Roll Call: Woykowski, Housel, Buoye, Van Deursen Turner, Glaser and
Oakley.

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #22-2005 entitled, “AN ORDINANCE TO CREATE THE POSITION OF HOUSING OFFICER FOR THE PURPOSE OF ADMINISTERING BOROUGH OF WASHINGTON’S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.”

Council Discussion:

Councilwoman Glaser noted that this is another area in which this is a state mandated directive.

Manager Sheola noted that this position will not be any increase to the taxpayer. The cost of the salary will come out of the development fees.

It was therefore moved by Glaser, seconded by Oakley that Ordinance #22-2005 be approved on first reading.

Roll Call: Woykowki, Housel, Buoye, Van Deursen, Turner, Glaser and Oakley.

Ayes: 7, Nays: 0.
Motion carried.

It was further moved by Glaser, seconded by Housel that Ordinance #22-2005 be published in the Star Gazette on December 1st and that the public hearing be scheduled for December 13, 2005.

Roll all: Turner, Glaser, Oakley, Van Deursen, Woykowski, Housel and Buoye.

Ayes: 7, Nays: 0.
Motion carried.

Update by the Emergency Squad Re: Implementation of Paid Emergency Services

Mr. Bill Hepp, Lieutenant of the Emergency Squad acted as the spokesman for the team of Emergency Squad members consisting of Jill Gonzales and Mark Van Deursen who have been working on the implementation of a paid Emergency Squad that will be retained to work Monday thru Friday from 6 AM in the morning until 6 PM in the evening.

They hope to have everything in place and up and running to begin January 1st. American Reimbursement Systems has been retained to do their billing for them and they are presently working to get the software in place to interface with them.

There will be no charge to the residents. They will be billing their insurance carriers and what their insurance carriers do not pay the balance will be taken from a subscription program they plan to implement. They are working with an attorney to work out the details of this plan. The amount donated by the Borough and Township will be designated as the subscription fees.

Insurance requirements and workmens compensation is an area which still has to be looked into. Manager Sheola do will some research on this issue.

Mr. Hepp noted that they will be known as the "Washington Emergency Services". 8 EMT's will be hired to cover 120 Hours with 2 members being on each day to cover from 6 AM in the morning to 6 PM in the evening.

Councilman Housel questioned what would happen if an individual did not have any insurance coverage? The cost of the service would then be solely taken out of the subscription fees for our own Borough residents and employees.

Dave Higgins asked if they had a fee schedule worked out? The only fee schedule that would be required would be for transporting.

Mr. Hepp noted that the committee would keep the Mayor and Council informed as to their progress.

REPORTS:

It was moved by Glaser, seconded by Housel that the A & E O.T., Borough Clerk's, Road Department, Recreation Commission, Municipal Court (2), Fire Prevention, Police (3), Trial Balance, Collector-Treasurer's, Bond Note Sale and Borough Manager's reports be accepted as presented and filed.

Discussion: It was agreed to table the Borough Engineer's report until the next meeting.

Ayes: 7, Nays: 0.
Motion carried.

VOUCHERS:

Mayor Van Deursen entertained any questions or additions to the vouchers and claims for payment.

Councilman Turner questioned a bill for \$ 351.00 to Clark – Caton – Hintz on the claims list. This was in preparation of the briefs for the Baker litigation that was required.

Hearing no further questions, it was moved by Glaser, seconded by Buoye that the vouchers and claims be paid in the amount of \$ 1,208,377.76 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Woykowski, Housel, Buoye, Turner, Glaser, Oakley and Van Deursen.

Ayes: 7, Nays: 0.
Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Some minor corrections were noted for the Manager to change in the context of the Resolution. It was therefore moved by Housel, seconded by Oakley that the following resolution be adopted:

RESOLUTION #190-2005

**A RESOLUTION APPROVING CHANGE ORDER #1
RELATED TO THE CARTON AVENUE
RECONSTRUCTION PROJECT.**

WHEREAS, the Borough of Washington is repairing Carlton Avenue via a contract with Inter County Paving Associates, LLC; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary; and

WHEREAS, the project engineer, Robert Miller of Studer and McEldowney has recommended the following Change Order:

Install Geo-textile fabric and Stone to Temporary Access Drive - \$ 20,849.00

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the change order for this work as it is in the best interest of the Borough of Washington. A Certification of Available Funds is attached and made part of this document.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to approve the Carlton Avenue Change Order #1 and authorize the Borough Manager and Project Engineer to prepare the necessary documents as soon as possible and for the Borough Manager to execute the Change Order on behalf of Washington Borough.

Roll Call: Oakley, Glaer, Van Deursen, Buoye, Housel and Woykowski.
Ayes: 6, Nays: Turner.

Motion carried.

Resolutions #192-2005 thru #199-2005 and Resolution #201-2005 & #202-2005

Prior to entertaining a motion to adopt the above Resolutions Councilwoman Woykowski wanted to know what the adjusted sewer balance for Resolution #199-2005 was? It was determined that it was \$ 215.00.

It was therefore moved by Glaser, seconded by Turner that Resolutions #192-2005 thru #199-2005 and Resolutions #201-2005 & #202-2005 be adopted as follows:

RESOLUTION #192-2005

**RESOLUTION TO REFUND SENIOR CITIZEN DEDUCTION ALLOWED
AS PER N.J.S.A. 54:4-8.40 ET. SEQ.**

WHEREAS, the Tax Collector has allowed the following Senior Citizen deduction and wishes to refund this deduction; and

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>EXPLANATION/AMOUNT</u>
044 048	Knaap, Janet 16 Sunrise Terrace	Senior Deduction \$ 250.00 Allowed in 2005

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector be authorized to refund the above amount to:

Janet Knaap
16 Sunrise Terrace
Washington, NJ 07882

Roll Call: Woykowski, Turner, Buoye, Housel, Van Deursen, Oakley and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #193-2005

**RESOLUTION TO REFUND VETERAN DEDUCTION ALLOWED
AS PER N.J.S.A. 54:4-8.40 ET. SEQ.**

WHEREAS, the Tax Collector has allowed the following Veterans' Deduction and wishes to refund this deduction; and

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>EXPLANATION/AMOUNT</u>
052 003	Richold, Ann Marie 22 Gibson Place	Veteran's Deduction \$250.00 Allowed in 2005

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Treasurer be authorized to refund the amount shown to the above owner.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner, Oakley and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #194-2005

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2005 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$ 2,271.94 on 2005 Regular Taxes paid on property located at 41 Alvin Sloan Avenue, also known as Block 002.11, Lot 021, and in the name of Bedon, Peter and Gisela; and

WHEREAS, Express Financial for the Bedons and Central Mortgage via Land America for the Bedons have both paid the 4th quarter 2005 Regular Taxes causing an overpayment; and

WHEREAS, the Tax Collector has received a request from National Lender Services, 200 North Warner Road, Suite 110, King of Prussia, PA 19406 for Landamerica/Central Mortgage Company to refund the tax overpayment to LandAmerica Tax and Flood Services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$ 2,271.94 payable to:

Land America Tax and Flood Services
Attn.: Rich Hutton
National Lender Services
200 North Warner Road, Suite 110
King of Prussia, PA 19406

Roll Call: Woykowski, Van Deursen, Glaser, Oakley, Turner, Housel and Buoye.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #195-2005

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
AS PER N.J.S.A. 54:5

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey were sold on October 25, 2005 to Park Finance LLC, PO Box 109, Cedar Knolls, NJ 07927, in the amount of \$ 2,786.08 for taxes or other municipal liens assessed for the year 2004 in the name of Eichlin, Paul & Lucille E. as supposed owners, and in said assessment and sale were described as 70 W. Stewart St., Block, 014, Lot 008, which sale was evidenced by Certificate #396-05; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-05 and before the right to redeem was cut off, as provided by law, Benchmark Title Services representing Paul Eichlin, claiming to have an interest in said lands, did redeem said lands claimed by Park Finance, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 2,852.24, which is the amount necessary to redeem Tax Sale Certificate #396-05.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of November, 2005 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 in the amount of \$ 2,852.24.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 014, Lot 008 from the tax office records.

Roll Call: Woykowski, Housel, Van Deursen, Oakley, Turner, Glaser and Buoye.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #196-2005

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
AS PER N.J.S.A. 54:5

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2005 to Laura Keefe, 397 Tunnel Road, Asbury, NJ 08802, in the amount of \$ 412.81 for taxes or other municipal liens assessed for the year 2004 in the name of Wallace, Jacqueline A., as supposed owners, and in said assessment and sale were described as 106 Youmans Avenue, Block, 082, Lot 018, which sale was evidenced by Certificate #104-05; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington do certify that on 11-14-05 and before the right to redeem was cut off, as provided by law, Jacqueline Z. Wallace, claiming to have an interest in said lands, did redeem said lands claimed by Laura Keefe, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 421.07, which is the amount necessary to redeem Tax Sale Certificate #401-05.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of November, 2005 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Laura Keefe, 397 Tunnel Road, Asbury, NJ 08802 in the amount of \$ 521.07 (this amount consists of \$ 21.07 + \$ 100.00 premium).

Roll Call: Oakley, Glaser, Turner, Van Deursen, Buoye, Woykowski and Housel.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #197-2005

A RESOLUTION TO VOID A CHECK

WHEREAS, Check #047933 was written October 19, 2005 on Washington Borough's Operating Fund 38102360230 in the amount of \$ 109.14 and payable to Good Impressions at 325 West Washington Avenue, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was informed that the invoice from this vendor was already paid. A replacement check is not necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #047933.

Roll Call: Turner, Van Deursen, Woykowski, Oakley, Glaser, Housel and Buoye.

Ayes: 7, Nays: 0. – Motion carried.

RESOLUTION #198-2005

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE.**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
99/5	Reed, Ronald J. 131 West Washington Ave.	\$ 86.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 86.00 should be mailed to:

Ronald J. Reed
31 Gordon Drive
Easton, Pa. 18045

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Oakley, Glaser, Turner, Buoye, Woykowski, Housel and
Van Deursen.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #199-2005

**A RESOLUTION AUTHORIZING THE ADJUSTMENT OF
A BOROUGH SEWER SERVICE CHARGE
DUE TO FIRE DAMAGED PROPERTY.**

WHEREAS, according to the Treasurer's records, a borough property was subject to fire damage on July 6, 2005; and

WHEREAS, the monthly sewer invoice was being billed without interruption, to the damaged property which had all utilities shut off and deemed unfit for occupancy; and

WHEREAS, the Borough Treasurer's office has received a written notification from the county's Code Enforcement office, stating when the current homeowner received his certificate of occupancy allowing tenants to move back on the premises.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to adjust the sewer account #10608010 with a balance that reflects charges activated from the month that the home was approved for occupancy.

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>FIRST BILING AFTER C.O.</u>
20.03/5	Pennisi Properties, LLC 167 Belvidere Avenue Washington, NJ 07882	November, 2005

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to adjust the sewer balance on the above property location.

Roll Call: Van Deursen, Oakley, Glaser, Buoye, Woykowski, Turner and Housel.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #201-2005

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
AS PER N.J.S.A. 54:5**

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2005 to Mooring Tax Asset Group, LLC, 8614 Westwood Center Drive, Suite 650, Vienna, VA 22182 in the amount of \$ 3,520.7 for taxes or other municipal liens assessed for the year of 2004 in the name of Nunn, Lester, Alberta c/o Eichlin, L. as supposed owners, and in said assessment and sale were described as 156-158 W. Washington Avenue, Block 010, Lot 010, which sale was evidenced by Certificate #395-05; and

WHEREAS, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-05 and before the right to redeem was cut off, as provided by law, Paul Eichlin, claiming to have an interest in said lands, did redeem said lands claimed by Mooring Tax Asset Group, LLC, by paying the Collector of Taxes of said taxing district of the Borough of Washington the amount of \$3,520.77, which is the amount necessary to redeem Tax Sale Certificate #395-05.

NOW, THEREFORE, BE IT RESOLVED, on the 22nd day of November, 2005 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Mooring Tax Asset Group, LLC, 8614 Westwood Center Drive, Suite 650, Vienna, VA 22182 in the amount of \$ 3,520.77.

Roll Call: Van Deursen, Oakley, Glaser, Turner, Woykowski, Buoye and Housel.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #202-2005

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
AS PER N.J.S.A. 54:5

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2005 to Crusader Servicing Corp., 179 Washington Lane, Jenkintown PA 19046, in the amount of \$ 2,690.79 for taxes or other municipal liens assessed for the year 2004 in the name of Eichlin, Paul H and Lucille E. as supposed owners, and in said assessment and sale were described as Kinnaman Avenue Rear, Block 093, Lot 011, which sale was evidenced by Certificate #402-05, dated and recorded in the office of the County Clerk.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-05 and before the right to redeem was cut off, as provided by law, Paul Eichlin, claiming to have an interest in said lands, did redeem said lands claimed by Crusader Servicing Corp., by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 2,690.79, which is the amount necessary to redeem Tax Sale Certificate #402-05.

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of November, 2005 by the Mayor and Council of the Borough of Washington, County of Warren, to authorize the Treasurer to issue a check payable to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA 19046 in the amount of \$ 2,990.79 (this amount consists of \$2,690.79 + \$300.00 premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 093, Lot 011 from the Tax Office records.

Roll Call: Turner, Oakley, Glaser, Woykowski, Housel, Buoye and Van Deursen.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #200-2005 – Authorizing the Transfer of Appropriations

The following Resolution was moved by Glaser, seconded by Housel and adopted:

RESOLUTION #200-2005

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
STREET/TRAFFIC LIGHTS Other Expenses	MAINTENANCE OF VEHICLES Other Expenses	\$ 4,000.00
STREET/TRAFFIC LIGHTS Other Expenses	ELECTRICITY Other Expenses	5,000.00
TOTAL OF ALL TRANSFERS		9,000.00

Resolution #203-2005 – Appointing a Member to the Shade Tree Commission replacing the Resignation of Peter Glaser

The following Resolution was moved by Glaser, seconded by Housel appointing John Unorski to replace the vacancy left by the resignation of Peter Glaser from the Shade Tree Commission as recommended by the Mayor:

RESOLUTION #203-2005

**RESOLUTION APPOINTING A MEMBER TO THE
SHADE TREE COMMISSION REPLACING THE
RESIGNATION OF PETER GLASER.**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the **Shade Tree Commission** for Washington with the consent of the Borough Council’ and

WHEREAS, there is a vacancy left by the resignation of Peter Glaser; and

WHEREAS, the Mayor has designated the following person as her appointee;
and

WHEREAS, the Council does approve of this appointment.

BE IT THEREFORE RESOLVED, that the following named person is appointed to the **Shade Tree Commission** for the unexpired term of **December 31, 2009**.

John Unorski
Name

Roll Call: Woykowski, Turner, Oakley, Van Deursen, Housel, Glaser and Buoye.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #204-2005 - Appointing a Member to the Shade Tree Commission replacing the resignation of Theo Coleman.

The following Resolution was moved by Housel, seconded by Oakley appointing Patricia Huizenga to the Shade Tree Commission replacing the resignation of Theo Coleman as recommended by the Mayor:

RESOLUTION #204-2005

**RESOLUTION APPOINTING A MEMBER TO THE
SHADE TREE COMMISSION REPLACING THE
RESIGNATION OF THEO COLEMAN.**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the **Shade Tree Commission** for Washington with the consent of the Borough Council; and

WHEREAS, there is a vacancy left by the resignation of Theo Coleman; and

WHEREAS, the Mayor has designated the following person as her appointee;
and

WHEREAS, the Council does approve of this appointment.

BE IT THEREFORE RESOLVED, that the following named person is appointed to the **Shade Tree Commission**, for the unexpired term of **December 31, 2006**.

Patricia Huizenga
Name

Roll Call: Turner, Van Deursen, Woykowski, Oakley, Housel, Buoye and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #205-2005 – Appointing a Member to the Planning Board replacing the resignation of Ronald Schlader

The following Resolution was moved on a motion made by Housel, seconded by Glaser appointing Peter Liloia to the Planning Board as recommended by the Mayor:

RESOLUTION #205-2005

**RESOLUTION APPOINTING A MEMBER TO THE
PLANNING BOARD, CLASS IV MEMBER DUE TO THE
RESIGNATION OF RONALD SCHLADER.**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint certain members of the **Planning Board**; and

WHEREAS, there is a vacancy left by the resignation of Ronald Schlader.

I do hereby appoint the following named person as a **Class IV Member** to the **Planning Board**, term to expire **January 1, 2007**.

Peter Liloia
Name

Roll Call: Woykowski, Turner, Buoye, Housel, Glaser, Oakley and
Van Deursen.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #206-2005 – Transferring the General Assistance Program over to the County

Prior to entertaining a motion to adopt this Resolution Public Assistance Member, Patricia Post urged the Council to transfer the General Assistance Program to the County due to the resignation of our Welfare Director.

Councilwoman Glaser also noted that our residents will be better served if Council turns the program over to the County. It is in the best interest of the Borough and of their clients.

It was therefore moved by Glaser, seconded by Oakley that the following Resolution be adopted:

RESOLUTION #206-2005

**A RESOLUTION APPROVING THE TRANSFER OF
GENERAL ASSISTANCE PROGRAM FROM THE
BOROUGH OF WASHINGTON TO THE COUNTY OF
WARREN, DEPARTMENT OF HUMAN RESOURCES –
DIVISION OF TEMPORARY ASSISTANCE & SOCIAL SERVICES**

WHEREAS, pursuant to P.L. 1997, Chapter 37 and the regulations cited at N.J.A.C. 10:90-12.1 et. Seq. allows municipalities the option of transferring the General Assistance Program to their county offices; and

WHEREAS, the Borough Council of the Borough of Washington has determined at this time it is in the best interest of the residents of the Borough of Washington to transfer such responsibility to the County of Warren, as specifically provided by N.J.A.C. 10:90-12.3(B); and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough of Washington shall cooperate with the County of Warren to develop and effectuate a transfer plan for the County of Warren to assume full operation of the Borough of Washington General Assistance Program effective January 1, 2006 or as soon as thereafter as possible, so there is no loss of service to clients, and that the Mayor and Borough Clerk of the Borough of Washington are hereby authorized respectively, to execute and attest to any and all agreements and documentation necessary to effectuate such transfer.

Roll Call: Turner, Van Deursen, Buoye, Housel, Woykowski, Oakley and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

Discussion – Proposed Ordinance Regulating Hotels

Sample ordinances were provided by Charles Anthony, a member of the Business Improvement District dealing with regulating hotels. The ordinance addresses length of stay and how they are regulated. At present the hotel in the Borough is only inspected every five years.

Councilwoman Glaser noted that changes can be implemented but they must be consistent with NJ State statutes. You can change the status of a hotel to transitional housing with single room occupancy residential units which can provide more inspections to the establishment.

Mr. Anthony will be providing some additional information to the attorney for his review. Attorney Farsiou cautioned the Council and indicated you have to be very careful how you transition this hotel because it is a pre-existing use prior to zoning.

Councilwoman Glaser noted that there is also another whole scope of regulations under the welfare statutes which this hotel is presently being used as lodging for people.

Councilman Buoye questioned what the hotel presently was being utilized as? Single room occupancy or transitional housing?

Discussion followed at which time it was agreed to table this topic until the next meeting.

Discussion – Proposed Ordinance Establishing Pedophile Free Zones

(Requested by Councilwoman Woykowski)

Councilwoman Woykowski distributed ordinances that have been adopted in Warren County by Greenwich Township and Pohatcong Township in addition to one from Jackson, NJ.

Discussion followed at which time the question of constitutionality came up. There have been no ordinances challenged to date.

Councilwoman Woykowski suggested that Council appropriate some time to discuss this important issue. People who are impacted by this ordinance will be gravitating to the Borough. The radius in the ordinance she provided run in the nature of 2500 – 3,000 feet where the individual cannot live near a park, school, etc. or anywhere there are children congregated.

The Attorney noted that essentially there is no case law to date but the towns will eventually be sued. In speaking with Attorney Cushing they have some legal reservations in adopting such an ordinance here in the Borough. There are a lot of legal ramifications on the adoption of an ordinance of this type.

Councilman Turner noted that the citizens of our community are concerned because the people affected by this ordinance will move to Washington Borough.

Mayor Van Deursen noted at the adoption of this ordinance is to protect our children and it is well worth it.

Councilwoman Oakley did not agree with the adoption of this type of ordinance. She felt that we would be violating people's rights to where they can live. They have rights also that deserve to be protected.

Councilwoman Woykowski felt that this is one type of criminal that cannot be rehabilitated. Councilwoman Oakley disagreed with this statement.

Councilwoman Glaser noted that Megan's Law has been watered down to the point that this legislation is practically worthless. We have a number of children who congregate in the Borough and she for one was willing to take a chance and get sued to protect their rights.

Councilwoman Glaser noted that she would like to see a draft of an ordinance for the Borough covering the areas that would be affected in our community. She noted that Council is here to serve the majority not the minority.

Council agreed that they would like to see a draft of a proposed ordinance for the second meeting in December.

Sewer Charge – Michael DeMonte

Mr. DeMonte asked to be recognized by the Mayor. He thanked the Council for the action they took at the September 20th meeting to place his condominium units back into individual bills rather than being combined to reduce the interest on delinquent charges.

He provided some additional information to the Council for their review on the sewer charges. It was his opinion that the low volume users are subsidizing the high volume users.

Councilman Housel noted that out of the \$ 43.00 sewer charge the debt service contributes to approximately \$ 28.00 of the bill. The debt would still have to be charged to all users.

Mayor Van Deursen noted that this information will be turned over to our Financial Advisor, Stephanie Lewis. Mr. DeMonte will be advised when this subject matter will be discussed by Council.

Executive Session

It was moved by Glaser, seconded by Turner that Council go into Executive Session to discuss matters of litigation and contracts after a short recess at 9:50 PM.

Ayes: 7, Nays: 0.
Motion carried.

Council reconvened with the Roll Call at 10:08 PM with everyone present.

Councilwoman Oakley and Deputy Mayor Glaser excused themselves from Executive Session at 12 Midnight.

It was moved by Turner, seconded by Oakley that the Council go back into open session at 12 Midnight.

Ayes: 5, Nays: 0. –Motion carried.

Continued discussion took place with respect to the Resolution #191-2005 – Interlocal Agreement with Washington Township for court services.

Dave Higgins, 113 Harding Drive – Mr. Higgins had a question with regard to the resolution that was on the agenda dealing with the Interlocal Agreement with Washington Township for court services. He asked whether there was a dollar figure for these costs available. Council is still working on the cost breakdown and a figure is not known. Mr. Higgins also asked whether the Borough was going to be hiring any additional people? An increase in the workload would also require an increase in the employees pay.

Mr. Higgins also noted that it was his understanding that when Washington Township was joined with Franklin Township they received a percentage of their court fines. Is the Borough going to get a percentage as well

Manager Sheola explained that a shared court agreement allows each municipality to retain their own courts fees collected.

Gina Appleby, Willow St. – Mrs. Appleby questioned why this Interlocal Agreement was being discussed in Executive Session. The attorney noted that contract negotiations was a topic that is dealt with in an Executive Session.

Mrs. Appleby noted that when Washington Township was aligned with Franklin Township it was considered a joint court and Franklin Township did get a percentage of the tickets issued. A shared court would be where there will be separate ledgers for each municipality.

Mrs. Appleby noted that it appears that the case load of both the Township and Borough are pretty close in numbers. She felt that the Borough was going to have to schedule a second court date. It was her opinion that the Borough is not going to get a fair shake with the Township. Eventually, they will drop the Borough. The numbers that have been made available do not appear to be right. Parking is also going to be a problem at the Municipal Building. She felt that this concept was a bit premature and that the Borough should not rush into it.

Attorney Farsiou noted that if anyone is looking out for the best interest of the Borough it is the Council people sitting in this room.

Councilwoman Glaser noted that shared services is great but it must be in the best interest of the Borough if Council is to proceed.

Due to the lateness of the hour there were no Council Remarks.

Hearing no further business to come before Council, it was moved by Woykowski, seconded by Housel that the meeting be adjourned at 12:15 PM.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk